



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 87 49

UNITED STATES OF AMERICA,

Plaintiff,

v.

Gilberto David ANDRADE-Gastelum

Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about August 19, 2008, within the Southern District of California, Gilberto David ANDRADE-Gastelum did knowingly and intentionally import approximately 28.74 kilograms (63.22 pounds) of cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 20th
DAY OF August, 2008.


PETER C. LEWIS
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Gilberto David ANDRADE-Gastelum

4 STATEMENT OF FACTS

5 This complaint is based upon the personal observations, investigation and
6 information provided to U. S. Immigration and Customs Enforcement Special Agent
7 Douglas Struckmeyer.

8 On August 19, 2008, Gilberto David ANDRADE-Gastelum entered the United
9 States at the Calexico, California, West Port of Entry. ANDRADE was the driver and
10 sole occupant of a 2008 Chevrolet Malibu registered in his name.

12 Canine Enforcement Officer (CEO) J. Jones was conducting pre-primary
13 operations with his Narcotic Detector Dog (NDD). CEO Jones conducted a sweep of
14 the 2008 Chevrolet Malibu with his NDD. CEO Jones' NDD alerted to the vehicle,
15 indicating the presence of the odor of a controlled substance in the vehicle. CEO Jones
16 instructed ANDRADE to turn off the vehicle. He then instructed ANDRADE out of the
17 vehicle, where ANDRADE was placed in handcuffs and escorted to the vehicle
18 secondary office.
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21 CBPO V. Fonseca was with CEO Jones at the time. Before ANDRADE was
22 escorted to the vehicle secondary office, CBPO Fonseca received a negative Customs
23 declaration from ANDRADE. ANDRADE told Fonseca that the vehicle he was driving
24 belonged to him.
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26 CEO Jones began the secondary inspection of the vehicle. While inspecting the
27 vehicle, CEO Jones found a non-factory compartment built underneath the rear seat,
28 and extending into the trunk area. Special Agent (SA) Struckmeyer observed for a
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1 short time after CEO Jones found the non-factory compartment. SA Struckmeyer was
2 immediately able to smell a strong odor of fresh bondo material emanating from the
3 area of the compartment.

4 CEO Jones punctured the compartment, producing a white powdery substance
5 that field-tested positive for cocaine. Once the compartment was opened, 24 packages
6 were found concealed inside. The compartments were wrapped in clear tape and black
7 duct tape with a layer of baby powder between the two. The total gross weight of the
8 packages was approximately 28.74 kilograms (63.22 pounds).
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10 A registration found in the vehicle showed that the vehicle had been registered in
11 ANDRADE's name since May 6, 2008, at which time it was transferred to ANDRADE as
12 a used vehicle. Record checks indicate that since May 6, the vehicle has entered the
13 United States through Calexico, West Port of entry eleven times. Although many of the
14 vehicle's crossings are consistent with crossing made by ANDRADE, records indicate
15 that the vehicle's most recent crossing on August 16 is not consistent with ANDRADE's
16 crossings.
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